

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NATIONWIDE GENERAL INSURANCE COMPANY,	)	CASE NO.:
	)	
Plaintiff,	)	JUDGE:
	)	
vs.	)	<b><u>COMPLAINT</u></b>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

NOW COME Plaintiffs, Nationwide General Insurance Company and George Nakovski,  
by and through its undersigned attorney, and states their Complaint as follows:

**I. PARTIES**

1. Plaintiff NATIONWIDE GENERAL INSURANCE COMPANY is a corporation organized under the laws of Ohio, with its principal place of business located in Franklin County, Ohio.
2. Defendant United States Postal Service (USPS) is an Agency of the UNITED STATES OF AMERICA and may be served through the Attorney General of the United States at the U.S. Department of Justice at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 AND through the Office of the United States Attorney, U.S. Attorney Marisa T. Darden, United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113-1852.

## **II. JURISDICTION**

3. This court has jurisdiction based on subject matter jurisdiction. This matter is brought under the Federal Tort Claims Act. Plaintiffs have satisfied all the requirements under the Act and are filing this in accordance with 28 U.S.C. §2401(b) and 39 C.F.R. 912.9(a).

## **III. VENUE**

4. Venue of this case is appropriate in this district under 28 U.S.C. §1391(b)(2) because a substantial part of the events giving rise to this claim occurred in this district.

## **IV. FACTS**

5. On July 12, 2021, Defendant United States of America employee, Victor J. Faverty, was driving a USPS vehicle, while in the course and scope of his employment with the United States Government, at or near the intersection of Liberty Green Drive and Arlington Road in the City of Green, Summit County, Ohio.
6. Defendant United States of America, by and through its employee, failed to keep a proper lookout, failed to yield the right-of-way at a stop sign, and entered the roadway when unsafe, causing the USPS vehicle to collide with the vehicle owned by Plaintiff's insured, George Nakovski.
7. Defendant United States of America, by and through its employee, failed to keep a proper lookout, failed to yield the right-of-way, failed to maintain control of the vehicle, and failed to enter the roadway when safe, causing damage to George Nakovski's vehicle.
8. Defendant United States of America, by and through its employee, failed to use reasonable and/or due care, causing a collision which caused damage to George Nakovski's vehicle.

9. At all times relevant herein, Nationwide General Insurance Company was the insurer, assignee and subrogee of George Nakovski with respect to any and all sums paid by Nationwide General Insurance Company related to the property damages and loss of use of George Nakovski's 2018 Black Chrysler Pacifica as a result of said accident.

**V. NEGLIGENCE**

10. Defendant United States of America's employee's negligence in failing to keep a proper lookout, failing to yield the right-of-way, failing to maintain control of the vehicle, and failing to enter the roadway when safe, caused damages to George Nakovski's vehicle.
11. Defendant United States of America, by and through its employee, failed to use reasonable and/or due care in the operation of the USPS vehicle, which directly and proximately caused property damages to George Nakovski's vehicle, and caused George Nakovski to incur rental vehicle expenses.
12. The total damages sustained by George Nakovski related to his property and loss of use of his vehicle as a result of the negligence of Defendant United States of America, by and through its employee are \$29,988.84.

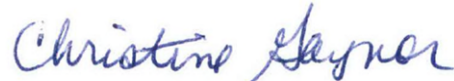
**VI. PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendant be cited to appear and to answer this action and that upon final trial, the Plaintiff have judgment against the Defendant for:

1. Damages in the amount of \$29,988.84;
2. Pre-judgment interest as provided by law;
3. Post-judgment interest as provided by law;
4. Costs of suit; and

5. Such other and further relief, both general and special, to which your Plaintiff may show itself justly entitled.

Respectfully submitted,



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CHRISTINE GAYNOR, #0066091

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